

**NORTH DAKOTA SHPO GUIDELINES MANUAL FOR  
CULTURAL RESOURCE INVENTORY PROJECTS**

Revised Edition

State Historical Society of North Dakota  
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## 1. INTRODUCTION

The following provides the reader updated guidelines from the North Dakota State Historic Preservation Office (ND SHPO) for Class I, II and III cultural resources investigations (i.e., Literature Searches, Reconnaissance Inventories, and Intensive Inventories, respectively). As such, the following information supercedes the 1981 version of this manual.

Projects falling within the scope of these guidelines are those which are sponsored fully or in part by the ND SHPO, projects reviewed by the ND SHPO under Section 106 of the National Historic Preservation Act (NHPA), and projects complying with North Dakota laws designating, regulating, and governing the role of the State Historical Society of North Dakota (SHSND) as carried out by the ND SHPO. These guidelines, however, do not necessarily fulfill requirements of any sponsoring federal agency or agencies, state agency or agencies other than the SHSND, or any of the state's Tribal Historic Preservation Offices (THPOs).

In many instances, professional personnel of the SHSND are available for consultation with federal, state, and local agencies, or contracted cultural resource employees. For such services, interested parties should contact the SHSND, Historic Preservation Office, North Dakota Heritage Center, 612 East Boulevard Avenue, Bismarck North Dakota 58505-0830 (701-328-2672).

### **The State Historical Society of North Dakota**

The SHSND is the agency within North Dakota responsible for protecting historic properties. As such, the ND SHPO within the Historic Preservation Division (HPD) of the SHSND reviews federally proposed, licensed and/or funded projects and the concomitant cultural resources identification, evaluation, protection, preservation, and development and/or mitigation efforts. Further, the HPD, through the Director, is responsible for preservation and interpretation of antiquities on the state level (see North Dakota Century Code [NDCC] 23-06-27, 55-02-03, 55-02-07, 55-02-07.1, 55-03-01, 55-03-01.1, 55-10-01, 55-10-09).

Under Section 101 of the NHPA (as amended 2000), some of the responsibilities of the SHPO are:

(1) in cooperation with federal and state agencies, local governments, and private organizations and individuals, direct and conduct a comprehensive statewide survey of historic properties and maintain inventories of such properties;

- (2) identify and nominate eligible properties to the National Register of Historic Places (NRHP) and otherwise administer applications for listing historic properties on the NRHP;
- (3) prepare and implement a comprehensive statewide historic preservation plan;
- (4) advise and assist, as appropriate, federal and state agencies and local governments in carrying out their historic preservation responsibilities;
- (5) cooperate with the Secretary, the Advisory Council on Historic Preservation, and other federal and state agencies, local governments, and organizations and individuals to ensure that historic properties are taken into consideration at all levels of planning and development; and
- (6) consult with the appropriate federal agencies in accordance with this Act on federal undertakings that may affect historic properties, and the content and sufficiency of any plans developed to protect, manage, or to reduce or mitigate harm to such properties.

Further, the stated policy of the state of North Dakota regarding cultural resources is as follows:

It is hereby declared to be in the public interest to provide for the preservation of historic sites, buildings, structures, and antiquities of state and national significance for the inspiration, use and benefit of the people of North Dakota. (NDCC 55-10-01).

The ND SHPO addresses these responsibilities through a variety of services and activities, including the review of project proposals and cultural resources work reports as requested and/or required by federal and state agencies, maintenance of data about cultural resource sites, materials, and work projects, development of predictive models, and completion of a state-wide cultural resources inventory. The following guidelines are intended to insure that all cultural resource project reports submitted to the ND SHPO provide adequate data and fit into long-range agency goals for cultural resources management and information retrieval systems. They represent the standard by which ND SHPO-sponsored projects will be planned and conducted, and by which the acceptability of reports and materials submitted to the ND SHPO for review and comment will be determined.

### **Permitting Process**

NDCC 55-03 outlines the permitting process for cultural resource investigations, and the SHSND is charged with the responsibility of implementing the permitting process

on an annual (calendar-year) basis. Section 7 of this manual provides an overview of the Contractor's Reference List on file at the HPD and of the permit requirements. Additional information regarding the permitting process may be obtained by contacting the Chief Archeologist at (701 328-3574) or by mail addressed to:

Historic Preservation Division  
State Historical Society of North Dakota  
North Dakota Heritage Center  
612 East Boulevard Avenue  
Bismarck, North Dakota 58505-0830

NDCC 10-19.1-134 also requires that all out-of-state ("foreign") corporations/companies must have a certificate of authority issued from the Secretary of State. The SHSND cannot issue a permit under NDCC 55-03-01 until the certificate of authority is obtained. Additional information regarding the certificate of authority may be obtained by contacting Darcy Cermak at (701 328-4145) or by mail addressed to:

North Dakota Secretary of State  
Capitol Building, 1<sup>st</sup> Floor  
600 East Boulevard Avenue  
Bismarck, ND 58505-0500

### **Discovery of Human Remains**

The reporting and disposition from unmarked burials on state and private lands are required under the NDCC 23-06-27 (Protection of human burial sites, human remains, and burial goods - Unlawful acts - Penalties - Exceptions). The law and administrative rules (North Dakota Administrative Code [NDAC] 40-02-03 - Protection of Prehistoric and Historic Human Burial Sites, Human Remains, and Burial Goods) outline the process and procedures to be followed, and identify those charged with responsibility for its implementation.

#### **Burial Discoveries on State and Private Lands**

In the event that human remains are discovered on state and private lands in North Dakota, the following procedure must be followed:

- (1) Leave everything in place; do not remove or collect anything. If a burial is discovered, all ground disturbing activities in that location must cease. It is very important for law enforcement personnel and representatives from the SHSND or State Health Department to examine the location as it was found.

(2) Notify the appropriate local law enforcement office and the SHSND. The SHSND will notify the Department of Health and Consolidated Laboratories. If the burial is believed to be American Indian, the North Dakota Intertribal Reinterment Committee will be notified by the SHSND.

### **Burial Discoveries on Federal Lands**

In the event that human remains are discovered on federal lands, immediately notify the federal agency charged with jurisdiction.

### **THPOs In North Dakota**

At present (Oct. 2006), four tribes have formally assumed the responsibilities of the ND SHPO for purposes of Section 106 compliance on their tribal lands in North Dakota and should be consulted for undertakings occurring on, or affecting historic properties on, those tribal lands.

The THPO for the Standing Rock Sioux Indian Reservation is located in the City of Fort Yates, ND. This THPO has jurisdiction over all lands located within the Standing Rock Sioux Indian Reservation, which encompasses all of Sioux County, ND.

The THPO for the Turtle Mountain Indian Reservation is located in the City of Belcourt, ND. This THPO has jurisdiction over all lands located within the Turtle Mountain Indian Reservation, which encompasses a portion of Rolette County, ND, and on Turtle Mountain Band of Chippewa trust lands located at the Trenton Indian Service Area within a portion of Williams County, ND.

The THPO for the Fort Berthold Indian Reservation is located in the City of New Town, ND. This THPO has jurisdiction over all lands located within the Fort Berthold Indian Reservation, which encompasses portions of Dunn, McKenzie, McLean, Mercer, Mountrail, Ward and Williams Counties, ND.

The THPO for the Sisseton-Wahpeton Oyate Indian Reservation is located in the City of Agency Village, SD. This THPO has jurisdiction over all lands located within the Sisseton-Wahpeton Oyate Indian Reservation, which encompasses portions of Richland and Sargent Counties, ND.

Researchers are directed to consult with ND SHPO if they are uncertain whether or not a proposed undertaking is located on Tribal lands. Researchers may also consult an online map and table of legal locations on Tribal lands at <http://www.nd.gov/hist/ahp>.

## 2. PROFESSIONAL QUALIFICATIONS

The NHPA (36 CFR 61.4[e][1] and 36 CFR 61: Appendix A) and National Register Programs (NPS-49: Chapter 31) specifies the professional qualifications for Historic Preservation Fund-assisted projects. The state guidelines given below parallel those qualifications. It is essential that all cultural resources inventory efforts, which are undertaken to satisfy state and federal requirements, be performed or supervised by professionally qualified key personnel. For government-sponsored projects, or those occurring on lands managed by a federal agency, the following requirements may not fully meet the sponsoring agency's prerequisites. Further, the sponsoring agency's requirements may not be as stringent as those of the ND SHPO. The ND SHPO does, however, assess the professional qualifications of project personnel, including the Principal Investigator (PI), when it reviews agency projects.

Additional qualifications for the conducting of certain site- or feature-specific surveys also are given below. Such surveys include those designed specifically for locating and recording architectural or historical features.

### **Institution, Agency, and Company Requirements**

It is desirable that companies and institutions conducting investigations in North Dakota have expertise in Midwestern (preferably Plains or Northern Plains) history, architectural history, prehistory, geography, geology, or architecture, etc. A commitment to the research problems of Midwestern cultural resources by cultural resource professionals engaging in contractual work and cultural resources management in this area is essential. Such commitment can be evaluated by the individual's publications, professional papers, or research dealing with Midwestern North America.

The institution, agency, or company with which the cultural resources professional is associated is expected to meet certain minimal standards in support of the professional's efforts. These minimal standards are:

- (1) have the facilities and staff or consulting specialists necessary to carry out the proposed field work, analysis, and report preparation;
- (2) have the ability to curate all artifacts recovered in the course of the work undertaken, or a written agreement with a proper repository within the State of North Dakota for curation of artifacts (see Curation of Artifacts, below);
- (3) have the ability to guarantee the timely completion of work undertaken;
- (4) have an understanding of all relevant laws, rules, and regulations.



## **Principal Investigator**

All cultural resources inventories must be carried out under the direction of the PI and it is his/her responsibility to assure that personnel under his/her guidance meet minimal requirements for the work delegated to them by him/her, to assure that all stages of the project are carried out in a professional manner, and to assure that an adequate report is prepared and submitted to the proper agency(ies). The PI must be directly involved in a minimum of 75% of the fieldwork (i.e., 75% of the company's time spent in the field on survey or testing/mitigation).

During some projects, both prehistoric and historic or architectural resources will be encountered. The use of an archeologist PI for recording and providing preliminary recommendations and evaluations of architectural resources is acceptable, *provided that the recorder fully comprehends the National Register Criteria for such features*. It is recommended that the PI give serious consideration to recommending that architectural features be formally evaluated by an architectural historian with the qualifications given below.

### **Principal Investigator for Architectural Projects (Architectural Historian)**

The professional qualifications for a PI involved in a survey designed specifically for the locating and recording of architectural features and sites on non-federal lands, or projects the SHSND sponsors, include:

- (1) a graduate degree in Architectural History, Urban or Regional Planning, Historic Preservation, American Studies, Art History, Architecture or Material Culture, or Folklore; or
- (2) a bachelor's degree in Architectural History with a concentration in American Architecture, Architectural History, Urban or Regional Planning, Historic Preservation, American Studies, Art History, Architecture or Material Culture, or Folklore plus one of the following:
  - (A) at least two years full-time experience in research, writing or other demonstrable professional activity with an historically oriented institution, agency, or company; or
  - (B) substantial contribution through research and publication to the body of scholarly knowledge in the field of American architectural history.

### **Principal Investigator for Archeological Projects (Archeologist)**

The professional qualifications for a PI involved in a survey designed specifically for the locating and recording of archeological cultural resources on non-federal lands, or projects the SHSND sponsors, include:

- (1) a graduate degree in Archeology, or a closely related field, or equivalent training accepted for accreditation purposes by the Society of Professional Archeologists;
- (2) demonstrated ability to carry research to completion, usually evidenced by timely completion of a thesis, research reports, or similar documents;
- (3) at least 16 months of professional experience and/or specialized training in archeological field, laboratory or library research, administration, or management, including at least four months supervised experience in archeological field research and at least one year of experience and/or specialized training in the kind of activity the individual proposes to practice.

### **Principal Investigator for Historical Properties Projects (Historian)**

The professional qualifications for a PI involved in a survey designed specifically for the locating and recording of historic features and sites on non-federal lands, or projects the SHSND sponsors, include:

- (1) a graduate degree in American History, Humanities, American Studies, Cultural History, Cultural Geography, Anthropology, Ethnography, or Folklore; or
- (2) a bachelor's degree in American History, Humanities, American Studies, Cultural History, Cultural Geography, Anthropology, Ethnography, or Folklore plus one of the following:
  - (A) at least two years of full-time experience in research, writing, or other demonstrable professional activity with an historically oriented institution, agency or company; or
  - (B) substantial contribution through research and publication to the body of scholarly knowledge in the field of history.

### **Field Supervisor**

The PI for a project is responsible for the quality of the work undertaken and the report produced, and it is expected that he/she will actively participate in and supervise

the work undertaken. If the PI cannot participate full-time in the project's field work, however, one or more qualified professionals must be in the field at all times. These individuals must also be listed on the company's or institution's permit list as qualifying as a PI.

### 3. CLASSES OF INVENTORIES

Identification of cultural resources is an obvious prerequisite to a determination of their significance, to the evaluation of impacts on such resources, and to the planning of methods for the preservation of the resources or the mitigation of identified impacts. In general, inventory involves a broad, interdisciplinary study of all those social and cultural aspects of the environment, both tangible and intangible, that may be affected by an undertaking. Identification of cultural resources requires the location of those tangible places (districts, sites) and things (buildings, structures, objects, artifacts) that may contain or represent prehistoric and/or historic values. Such identification should include sufficient study of those resources to determine what their values are, and whether these values are of sufficient significance to make the resources eligible for listing in the NRHP and/or the North Dakota State Historic Sites Registry. Once an undertaking's impacts on significant resources have been evaluated, it will then be possible to ascertain whether data recovery constitutes appropriate mitigation, whether some other mitigative measure must be developed and implemented, or whether the project should be reevaluated, redesigned, or relocated.

These guidelines are comparable to those required to identify resources eligible for the NRHP pursuant to Section 106 of the NHPA, 36 CFR 800, and to Sections 2(a), 2(b), and (where applicable) 1(3) of Executive Order 11593. They are presented here for the convenience of federal and state agencies and other users, and to insure that inventory efforts conducted under authorities other than the federal requirements result in data and reports which are comparable to, and compatible with the cultural resources data bank of the SHSND.

Although the exact activities necessary for the identification of cultural resources will vary, depending on the nature of federal or state land holdings or jurisdiction and on the nature of the proposed undertaking itself, one or more of the following steps will generally be required:

- (1) Pre-Field Research - Class I: Literature Search;
- (2) Field Research - Class II: Reconnaissance Inventory;
- (3) Field Research - Class III: Intensive Cultural Resources Inventory.

#### **Pre-Field Research - Class I: Literature Search**

Documentary research is the starting place for all inventory efforts. Systematic study and evaluation of documentary data will usually permit predictions to be made about the kinds and distribution of cultural resources that may be encountered in an area. Such study may also make it possible to develop a broad evaluation framework within

which the significance of particular cultural resources can be judged. Finally, background research will aid in pinpointing cultural resources that have already been adequately documented, or cultural resources that are known but need further study to obtain full documentation. In conducting a Class I Inventory, answers to the following questions should be sought:

- (1) Are there known cultural resources in the area?
- (2) Has the area been adequately surveyed before?
- (3) Is knowledge about the presence or absence of cultural resources based on an inventory conducted in accordance with the standards set forth in these guidelines? If not, to what extent is inventory data lacking?
- (4) If the area has not been systematically inventoried, what predictions can be made about the distribution and kinds of cultural resources to be expected? This should be based on data from nearby inventoried areas, from the known history of the area, from the constraints known to be imposed by the natural environment, and similar factors.
- (5) Given the known prehistory and history of the state, the social and cultural concerns of its people, and pertinent state, local, and regional plans, what kinds of preservation and/or research priorities appear to be appropriate, and what kinds of historic priorities might be important to satisfy these priorities?

The agency, individual, or company undertaking a literature search should be vigorous in seeking useful sources of data. Innovative approaches to predict the locations of resources and to develop evaluation frameworks should be encouraged. Some data, however, are restricted by law (See Protection of Site Location Data, below) and/or protected by copyright. The following sources of background data should be consulted as a minimum:

- (1) The HPD of the SHSND should be consulted to obtain such data as:
  - (A) information on resources listed in, nominated to, or determined eligible for inclusion on the NRHP and/or the North Dakota State Historic Sites Registry; resources on other lists, inventories or registers known to the HPD; and resources on which the HPD has evaluated or unevaluated inventory data. The NRHP is published in its entirety in the Federal Register on the first Tuesday in February of each year; additions are published monthly in the Federal Register.

The most recent full publication and each subsequent addition should be consulted to determine whether any listed resources exist within the area to be affected by the proposed undertaking. The NRHP listings are also accompanied by a list of resources which have been determined to be

eligible for inclusion, as well as a list of pending nominations. The listings at the HPD of National Architectural and Engineering Record (formally the HABS and HAER Records), Heritage Conservation and Recreation Service, and any similar surveys and published reports, should be utilized. The HPD maintains and publishes the North Dakota State Historic Sites Registry.

(B) The North Dakota Cultural Resources Survey (NDCRS) master data files for sites in North Dakota and records on inventories and other cultural resources related activities in the state.

(C) Information on predictive data about potential resources in the area.

(D) Recommendations regarding the need for inventories in the area.

(E) Recommendations concerning methods that should be used in conducting inventories and possible sources of professional expertise and funding.

(F) Results of previous inventories in the area, and the State Historic Preservation Officer's comments on them.

(G) Recommendations concerning pertinent federal, state, or local laws and policies concerning cultural resources.

(2) Basic published and unpublished sources on state and local history, prehistory, anthropology, ethnohistory, architecture, and ecology, as appropriate, should be studied to obtain an overview of the study area's potential cultural resource distributions and research or preservation values.

(3) Persons with first-hand knowledge of cultural resources and/or their significance should be interviewed where feasible and appropriate. Such interviews are of particular importance where resources of cultural importance to local communities or social groups may be involved. Oral data should be elicited and recorded using professional methods. The State Historical Society of North Dakota should be contacted in this type of effort since the HPD may be able to refer the researcher to local individuals and historical organizations within or near the project area.

The State Archives holds the recordings produced during North Dakota's Bicentennial Oral History Project which may also provide useful data. Literature searches should be undertaken by or under the supervision of professional historians, architectural historians, and/or archeologists, as appropriate. The services of specialists such as ethnohistorians, anthropologists, sociologists, historical architects, and cultural geographers may also be needed to make full use of available documentary data.

It is estimated that less than 10% of North Dakota has been surveyed at the Class III level for cultural resources. As a result, existing manuscripts and lists of such surveys seldom provide information adequate for full identification of cultural resources within many areas of the state.

## **Field Research**

If the review and evaluation of existing information via Literature Search (Class I Inventory) fails to produce complete data based upon prior professional examination of the proposed project area, then the Literature Search should be supplemented by direct examination (Class II and/or Class III Inventory). Field inspections resulting in reports which will subsequently be submitted to the HPD for consideration in conjunction with project descriptions being reviewed by the HPD must be performed by professional historians, archeologists, and architectural historians, as defined in Section II of these Guidelines. It may be necessary or useful to call upon additional specialists to deal with particular characteristics of the area. For example, if industrial properties are present, the services of an industrial historian or industrial archeologists may be appropriate, if the continuing life ways of social or ethnic groups are important to an understanding of the area's cultural resources, social and cultural anthropologists, oral historians, and/or folklorists may be necessary additions to the staff. The exact nature of the appropriate staff will depend on the kinds of resources that can be reasonably expected to occur.

The nature of the project's impact area will also affect the methods that must be employed to identify and record cultural resources. Urban areas and rural areas may require totally different approaches. Terrain, vegetation, land ownership and other factors will also affect both the time required to conduct an inspection and the techniques that will be required to complete it. For example, if few indications of archeological sites are judged likely to appear on the surface of the ground due to vegetation, alluviation, or other factors, it may be necessary for archeologists to undertake subsurface shovel or auger probing to locate sites.

Some cultural resources inventory and evaluation studies are performed by contractors on a "fixed cost" basis. In that particular instance (and especially in the case of large area surveys), it is often impractical to contract for both inventory and evaluation at the same time because the number of sites and the types and levels of evaluation needed cannot be determined until the inventory is completed. Such large area inventories should be contracted for with separate contracts for inventory and evaluation studies or, preferably, with a contract specifying the identification of sites and preliminary evaluation activity such as "shovel testing" of archeological sites to define vertical and horizontal extent of cultural materials, followed by a contract for detailed evaluation work. Agencies and companies planning field inspections should consider such factors when preparing work plans and contract specifications and should consult with the ND SHPO and the staff of the HPD to determine exactly what special approaches may be necessary.

Adequate records must be kept of all field inspections to indicate clearly what lands were inspected, the degree of intensity with which they were inspected, the kinds of cultural resources sought, all cultural resources observed, and any factors that may have affected the quality of the observations. Reports resulting from library, field and/or laboratory work should follow the format outlined in Section V of these guidelines.

The intensity of field inspection in advance of a proposed project should be commensurate with the projected impact of the undertaking. A project whose effects will be minimal and diffuse may only require a systematic sample reconnaissance or some other less intensive field inspection. A project which has definable direct impacts will generally require a more intensive field inspection. The level of project planning will also affect the nature of field inspection undertaken. At an early level of planning, when several alternatives are available for the location of project facilities, low intensity reconnaissance may be appropriate to provide planning guidance. When alternative project locations have been reduced, a much more intensive survey will usually be necessary. Although many different types of field inspections may be appropriate in different situations, such inspections generally fall into two classes: reconnaissance inventory and intensive inventory.

## **Class II: Reconnaissance Inventory**

In some situations, a Class II: Reconnaissance Inventory may be an acceptable strategy in combination with a Class I. Class II is usually used only as a methodology in large scale projects for locating areas with good or better cultural resources potential which would require investigation at the Class III level. Prior to undertaking a reconnaissance inventory, a Class I must be conducted in order to determine whether previously recorded cultural resources exist within the proposed project area, and to determine whether portions of the project area have been adequately surveyed in the recent past.

Full identification of cultural resources for purposes of detailed project planning, environmental assessments and resource evaluation normally requires that an intensive inventory be conducted. Some agencies and companies, however, may find it helpful in their planning activities to conduct reconnaissance inventories in order to obtain preliminary data on the nature and distribution of an area's cultural resources.

Reconnaissance inventory is designed to provide a general impression of an area's cultural resources and their values; it involves small-scale field work relative to the overall size of the Area of Potential Effect (APE). Although reconnaissance inventory will seldom, if ever, provide sufficient data to insure identification or final evaluation of all cultural resources in an area, it should make it possible to verify the existence and condition of resources tentatively identified or predicted from a literature search, to identify areas where cultural resources are obviously lacking, and to indicate where certain kinds of resources are likely to occur. This will make possible a more informed and efficient intensive inventory at later planning stages.



Reconnaissance inventory should be used only as a preliminary step to an intensive inventory unless the reconnaissance reveals that it is impossible or extremely unlikely for cultural resources to occur in the area. However, in areas of potential impact to significant resources, reconnaissance inventory may verify impacts and aid in developing plans to avoid or mitigate such impacts.

In cases where a governmental agency intends to fund, permit or license a project, particularly if the project involves large land areas, a reconnaissance inventory may provide the agency with sufficient information to allow the development of protective stipulations in the contracts, permits or licenses. An agency or company that participates in many small-scale projects in a large area may find it useful to sponsor a reconnaissance inventory of the entire area in order to develop a basis for making decisions about the need for intensive inventories of individual projects, or to obtain guidance in the kinds of inventory strategies that may be needed. Although a reconnaissance inventory will not ordinarily provide sufficient data to insure identification of all cultural resources under the jurisdiction of, control of, or subject to impact by a federal or state funded, assisted or licensed project, it may be a very effective planning tool. Reconnaissance inventories should be used to select project alternatives which avoid areas containing significant resources, rather than as a means of identifying resources which must be mitigated after the project site has been selected.

A reconnaissance inventory is preceded by an adequate literature search as discussed above. In the field an effort is made to gain a sufficient impression of the cultural resources in the area under consideration to permit predictions to be made about the distribution and significance of resources within the area. For small areas, a brief visit to the area by professional personnel in pertinent disciplines may be sufficient for reconnaissance purposes. Such a reconnaissance should provide an overview of the kinds of resources that potentially exist and delineate appropriate methods to be used in completing an intensive inventory, if such an inventory is necessary.

For larger areas, such as proposed mining areas or transmission line corridors, a more systematic approach to reconnaissance inventory is usually necessary. For archeological resources this commonly involves detailed inspection of a statistically valid sample of the area from which projections about the entire area can be made. Comprehensive windshield or pedestrian inspections of architecturally significant resources, or at least spot checks of various neighborhoods within the area, are appropriate for the characterization of architectural resources in such a reconnaissance.

Coordination in the field with local parties interested in or knowledgeable about the area's history and cultural resources is as appropriate during a reconnaissance as it is during an intensive inventory. Because, in the case of a small area, the cost of a reconnaissance inventory may be the same as the cost of an intensive effort, intensive inventory is often initially recommended for small projects. Intensive inventory is often recommended by the HPD because the project's description and the request for comment reaches the HPD for review long after the preliminary planning stages and at a point

when cost and time factors preclude the careful and thoughtful planning-stage consideration at which cultural resources should be dealt with.

It should be remembered that only the lead agency in consultation with the ND SHPO can require that a Class II be conducted instead of a Class III. Private contractors permitted under the state for conducting archeological work cannot make such determinations on their own in the field *unless* the lead agency and the ND SHPO have agreed to this method.

### **Class III: Intensive Cultural Resources Inventory**

An intensive inventory is a systematic, detailed field inspection done by, or under the direct, professional architectural historians, historians, archeologists, and/or other appropriate specialists. This type of study is usually required to formulate a preliminary determination of the significance of resources and their eligibility for listing in the NRHP and/or the North Dakota State Historic Sites Registry. It is preceded by adequate literature search (Class I), and, sometimes, by a reconnaissance effort (Class II).

All districts, sites, buildings, structures, and objects of possible historical or architectural value are examined by or under the supervision of a professional historian or architectural historian. Persons knowledgeable in history, prehistory, and folkways of the area are interviewed by or under the supervision of a professional historian, ethnohistorian, cultural anthropologist, or folklorist. The surface of the land and all districts, sites, buildings, structures, and objects of possible archeological value are inspected by or under the supervision of a professional archeologist. Historical archeologists are employed where historic archeological sites are likely; prehistoric archeologists are used where prehistoric sites are probable. Documentary data necessary for evaluation of specific resources are compiled and analyzed.

A comprehensive, systematic effort is made to identify all resources within the area of concern that might qualify for the NRHP and/or the North Dakota State Historic Sites Registry, and to record information sufficient to permit their evaluation or to indicate what further work is necessary to accomplish their evaluation. All cultural resources should be evaluated against the criteria established at 36 CFR 60.6 (redesignated 36 CFR 1202), and supporting documentation should be developed with reference to guidelines published as an attachment to interim regulations at 36 CFR 63 (redesignated 36 CFR 1204) in the Federal Register on Wednesday, September 21, 1977, Vol. 42, page 47666.

Since the precise kinds of field activities necessary to fully identify cultural resources vary among different regions of the United States, it is vital that agencies or companies preparing to undertake or contract for intensive inventories consult with the ND SHPO in developing plans for such inventories. Although, as previously indicated, literature search and/or reconnaissance inventory may negate the need for inclusion of one or more disciplines on the project staff, the field personnel of an intensive inventory

effort should be cognizant of, and prepared to record, all cultural resources located within the inventory area. If a contract made or accepted for only one portion of the cultural resources work, such as the archeological inventory, this should be clearly stated in the contract and the report resulting from the work.

Professional personnel of the HPD are available to consult with other federal, state, and local agencies, or private concerns, about applying these guidelines to particular circumstances.

### **Cultural Resources Work During the Winter Season**

Review of the results of past inventories performed when snow cover was present, has lead to the HPD formulating an opinion regarding the adequacy of winter season survey for cultural resources in North Dakota:

Whereas, 36 Code of Federal Regulations, Part 800-Protection of Historic and Cultural Properties. Subsection 800.4 (Federal Register, Vol. 44. No. 21- Tuesday, January 30, 1979) says, in part:

"It is the responsibility of each Agency Official requesting consultation with a State Historic Preservation Officer under this section to provide the information that is necessary to make an informed and reasonable evaluation of whether a property meets National Register criteria and to determine the effect of a proposed undertaking on a National Register or eligible property," and;

Whereas, 36 Code of Federal Regulations, Part 66 (redesignated 36 CFR 1210) - Recovery of Scientific, Prehistoric, Historic and Archeological Data: Methods, Standards, and Reporting Requirements, Subsection 66.2i (Federal Register, Vol. 42, No. 19-Friday, January 28, 1977) says, in part, that data recovery operations should reflect:

"An understanding by the principal investigator of the data or research value of the property. This value will normally have been defined as the result of a location and identification study as discussed in Appendix B," and;

Whereas, 36 Code of Federal Regulations, Part 66 (redesignated 36 CFR 1210) Recovery of Scientific, Prehistoric, Historic and Archeological Data: Methods, Standards, and Reporting Requirements, Appendix B, Section 1.4 (Federal Register, Vol. 42. No. 19-Friday, January 28, 1979) says, in part:

"Systematic subsurface testing is conducted if necessary to locate full descriptive and evaluative data," and;

Whereas, it is the opinion of this office that either snow cover or heavy vegetation cover generally obscure ground surface sufficiently to necessitate subsurface testing of such covered areas to determine whether or not archeological resources exist within the study area, and;

Whereas, it is the opinion of this office that subsurface testing to locate, identify, and/or evaluate archeological resources cannot be properly conducted when the ground is frozen.

It is, therefore, the opinion of the ND SHPO that cultural resource inventories conducted in North Dakota when there is snow or heavy vegetation obscuring the surface of the study area and the ground is frozen are not adequate to either properly identify archeological resources or evaluate the significance of resources which may be identified. Consequently, agencies which submit such reports to this office for review and comment pursuant to the above referenced regulations will ordinarily be informed that adequate information has not been provided for this office to make an "informed and reasonable" evaluation of the proposed project's effects on significant resources and asked to provide such adequate information prior to re-submission of the materials for review and comment.

## **4. CULTURAL RESOURCES IDENTIFICATION, RECORDING, AND EVALUATION**

The various federal agency usually have documentation on what constitutes a site, and when conducting projects on those lands, it is recommended that the lead agency's criteria for site identification be used. For other projects, including those where a federal agency has not published site identification criteria, it is recommended that the ND SHPO's criteria be used.

### **Identification of Sites**

For documentation purposes, a cultural resource site is defined as a location of past human activity that took place over 50 years ago and which left physical traces of that activity in the form of (1) an intact cultural feature, (2) five or more artifacts found within about 60 m of each other, and/or (3) an intact subsurface cultural deposit regardless of the number of artifacts.

### **Identification of Isolated Finds**

A location with four or fewer artifacts and identified by the archeologist(s) as representing an area of very limited past activity may be recorded as an isolated find. In all cases of identifying a location as an isolated find, the archeologist(s) should consider whether the location has good or better potential to contain buried artifacts. In such cases, consideration should be given to recording the location as a site lead.

### **Identification of Site Leads**

Site leads are identified by two separate definitions. The first consists of locations reported by a landowner or other non-professional as containing cultural resources. These locations are identified as site leads until such time as a qualified archeologist or architectural historian can determine whether cultural resources actually exist in the area and, if so, whether the location is an isolated find or a site.

The second definition for a site lead is when a location with four or fewer surface visible artifacts is, in the professional judgement of the archeologist(s), likely to be only a limited surface expression of a former occupation area where most of the artifacts are not visible (i.e., still buried).

Consideration should be given by the principal investigator, the lead agency, and the ND SHPO as to whether a site lead location should be examined more closely, possibly by sub-surface investigations, prior to a determination of No Historic Properties Affected or No Adverse Effect.

## **Recording of Cultural Resources**

The master data bank of information for cultural resources sites in North Dakota is maintained at the HPD of the SHSND. Verified sites are indexed according to the Smithsonian Institution Trinomial System (SITS). This system includes a number for the State (North Dakota is "32"), a two-letter abbreviation for the county in which the site is located, and numbers indicating specific sites. SITS numbers for North Dakota are dispensed by the State Historical Society. There is no charge for assigning SITS numbers.

The HPD has developed a standardized site, site lead, and isolated find recording form, known as the NDCRS form, and also a training manual for completing the forms. The manual is available at the HPD's office in the SHSND free of charge, and details how to properly fill out archeological, historic, and architectural forms. Cultural resource data submitted to the HPD for inclusion in the NDCRS data bank MUST be submitted on the standardized NDCRS form or on standard federal agency forms approved by the HPD. In the event that the standardized forms are revised, the revised form will supersede the present form in this process.

For isolated finds and site leads, Page One of the NDCRS form should be filled out, along with a descriptive page discussing the resource and providing the recorder's evaluation and recommendation, and the topographic page from the NDCRS site form with the resource's location marked on it.

SITS numbers are assigned only to adequately recorded, verified cultural resource sites. Blocks of numbers will not be assigned to anticipated sites. A site must be located and properly recorded before a number will be issued. Site numbers will not be assigned over the telephone without prior submission of forms. Telephone assignments resulted in overdue site forms, double numbering, and sub-standard recording of cultural resources.

Because of the flood of requests for site numbers, staffing limitations, and necessary quality control measures, up to 15 working days are required to process a site form. The timing of the 15 day period begins upon receipt of the form by the HPD. If a form is found to have errors (such as a mistake in legal location, lack of proper sketch map, no artifact descriptions, etc.), a number will not be assigned until the corrections have been submitted. In such a case, the 15 days processing time will begin again when we receive the corrected form. Site numbers will not be assigned on a "drop-in" basis (i.e., hand delivering site forms directly to SHSND and requesting SITS numbers immediately).

To expedite the site number assignment process, the following steps should be followed:

- (1) Properly complete portions of the site forms in the field. Give particular consideration to sketch maps and legal description.
- (2) Include a good photocopy of the correct 7.5' U.S.G.S. topographic quadrangle map with correct site boundaries plotted accurately. The map must not be reduced or enlarged.
- (3) Site forms, photographs, and sketches must be of archival quality. Digital photographs are acceptable for historic, archeological, and architectural site forms and reports, but must be a minimum of 300 DPI with a maximum size of 5" by 7" using archival inks. If the digital images are not acceptable upon NDSHPO review, archival quality 35 mm prints may be required.
- (4) Type all of the site form except for Page One. This page should be completed in pencil to allow for easy corrections, if necessary.
- (5) Page One of the site form should have the codes on the backside.
- (6) Prior to sending, please check form for typos and other errors.
- (7) Prepare a short cover letter to explain your request. (We receive many site forms for various reasons.)

Review of a NDCRS form by personnel at the HPD of the SHSND prior to assigning the site a SITS number consists of:

- (1) Conducting a file check to see if the site has been previously recorded.
- (2) Matching the site's written legal description to the sketch map and the boundaries drawn on the correct 7.5' U.S.G.S. topographic quadrangle map.
- (3) Comparing the legal description given by the field Investigator to that shown on the topographic map provided in the site form.
- (4) Checking information on the computer coding form against the rest of the site record to verify accuracy and completeness of information.
- (5) Assigning a site number.
- (6) Informing the sender of the site number assignment. The sender is informed via a letter, or by telephone in cases of emergency requests.
- (7) Preparing a site form card and file card in card file used for file searches.

(8) Filing the site form.

If there is a discrepancy during any of the steps listed above, a letter commenting on the problem is sent to the sender for corrections. A site number is not assigned before the site form has reached step 5.

Forms for cultural resources recorded during surveys must be submitted for quality-control measures prior to completion of the report on the project and submission of that report to the HPD for review and comment. Reports received by the HPD which contain either field designations for sites, site leads, isolated finds, and/or forms not previously submitted for review will be returned to the sender along with a request that the site forms be submitted for review and assignment of SITS numbers, and to resubmit the report with the field designations within the report replaced by the correct SITS numbers.

### **Evaluation of Cultural Resources**

The preliminary evaluation of all cultural resources identified within the study area should be made in sufficient detail to provide an understanding of the historical values that they represent. This is done to aid in the nomination of resources to the NRHP, management of the resources and/or the planning of mitigation of adverse effects of proposed projects on the resources in the event such mitigation becomes necessary. Throughout the recording and evaluation process, the PI should remember that the evaluation as determined by him/her, is a recommendation and not a final determination. Only the lead agency and ND SHPO, through consultation, can provide a final determination of eligibility (DOE) on cultural resources in North Dakota.

If a literature search (Class I) or field reconnaissance (Class II) has been completed, the predicted significance and number and distribution of each kind of cultural resource likely to occur within the study area should be presented and justified on the basis of background research and/or field inspection. Specific cultural resources actually recorded during field inspections should be described and evaluated against the criteria for eligibility for inclusion on the NRHP, as set forth in the NHPA and the criteria for eligibility for inclusion on the North Dakota State Historic Sites Registry. All cultural resources recorded during field inspections should be recorded on current NDCRS forms.

If an intensive inventory (Class III) has been completed, all cultural resources should be clearly and completely described in the report and recorded on current NDCRS forms. Each property must be evaluated against the criteria for eligibility for inclusion on the NRHP and/or the North Dakota State Historic Sites Registry. If, after evaluation in terms of the appropriate criteria for eligibility, a resource is determined not to be significant, this decision must be fully explained and justified. Cultural resources contractors should be especially careful, during contract negotiating and subsequent



planning for field work to insure that the purchaser of the contract understands whether or not the work to be performed will include site evaluations. Many contract purchasers presume that the inventory report will contain NRHP evaluations while the contractor presumes that only site identifications and preliminary evaluations are to be produced.

In most cases it is expected that the report of Class I, II, and III inventories will provide recommendations for further study, evaluation, preservation, impact mitigation, or no further work. Further, it is expected that all reports will follow the general format presented in Section 6 of this manual. Standardization of recommendations and report formats will aid in the evaluation of possible adverse effects of proposed projects and activities.

Different types of data will be needed to evaluate different types of resources. For instance, the evaluation of some kinds of archeological sites will require subsurface testing to locate or obtain full descriptive and evaluative data. On the other hand, detailed historical research may be necessary to evaluate some kinds of historic sites. Architectural and/or historical research may be necessary to evaluate architectural sites. Care should be taken that evaluation efforts, particularly in the case of archeological resources, do not seriously damage or destroy the resource being evaluated.

## 5. PROTECTION OF SITE LOCATION DATA

The 1979 North Dakota Legislature passed Senate Bill 2243, now codified as Section 55-02-07.1 of the NDCC. This law became effective on July 1, 1979, and, as amended, states:

55-02-07.1. Protection of prehistoric or historic site locational data. The director of the state historical board may limit access to and release of information from files of the SHSND which contain data that specifically identifies the location of archaeological or historical sites in North Dakota. No access to, or release of information from files which contain such site specific locational data shall be made until the director shall be satisfied that the applicant has a reasonable need for the information contained in those files, and professionally acceptable qualifications to assure that release of the information will not result in unnecessary destruction of the resource.

The most frequent use of such data by persons other than Society employees is by individuals, companies and/or agencies performing "Literature Searches" for cultural resources protection or work projects. A "REQUEST FOR ACCESS TO SITE DATA FILES" form has been developed to aid the Society's evaluation of the needs and credentials of persons requesting such data, and to provide a means of documenting the number and type of such requests received.

The HPD of the State Historical Society of North Dakota maintains the master files which comprise the state's cultural resources inventory. Because of a recognized need to address the requirements of NDCC 55-02-07.1, the following procedure has been adopted regarding access to and release of information from the HPD's site files:

- (1) A "Literature Search" as necessary for cultural resources inventory work includes both a files search and documents research. The HPD has the data necessary for file searches and will make that data available to persons with legitimate need for the data. Documents research often must be conducted at other locations, such as libraries, courthouses, etc., and will not be provided by the HPD.
- (2) All requests for file searches will require completion of the form entitled: "REQUEST FOR ACCESS TO SITE DATA FILES" and signing the user's logbook. The form and logbook must be completed by the individual requesting access prior to use of the files.
- (3) All file searches should include the following:
  - (A) A check of the Master Site Location Card File which includes reference to all verified cultural resource sites, site leads, and isolated finds known to the Historical Society.

(B) A check of the maps and card file relating to areas which have been surveyed previously.

(4) Due to staffing limitations the HPD cannot do file searches for contractors. All file searches must be performed by the requestor in the HPD offices during normal working hours (8 AM to 5 PM, Monday through Friday). There is no charge for access to the HPD's files.

It is recommended that site-specific location data in reports be placed in an appendix to the report, rather than in the text; this is especially recommended for large reports which include references to many sites. This allows public dissemination of the report without disclosure of site location data by simply removing the appendices which include such things as site location tables, site location maps, site forms, etc. Short reports for small projects, and which contain site location data in the text, should receive limited dissemination to protect site location data.

## 6. REPORT FORMATS

The following report formats are intended to serve as an outline, or guide, to the types of information which should be included in cultural resources inventory and evaluation reports. While not intended as a "cookbook" that must be followed point by point, providing full information as outlined here should allow the HPD to review proposed projects and activities adequately, and to make the administrative decisions necessary to manage North Dakota's cultural resources properly. Cultural resources inventory reports received by this office for review and/or inclusion in the NDCRS data bank should contain, as a minimum, the following sections or components:

(1) Manuscript Data Record Form. This form should be paper clipped to the front of report. The form is not required for reports with a cover/title page that specifically states it is a draft review version; however, no final report or report not listed as a draft review version on the cover/title page will be accepted or reviewed without this form being attached. An example of the form is provided in Appendix A.

(2) Cover/Title Page. This front page should, at a minimum, list the following:

(A) Title of report, which should include information on the type of project undertaken (i.e., survey, testing, mitigation, literature search, etc.) and, if applicable, the type of cultural resources assessed (e.g., archeological, historical, or architectural).

(B) Location of the project.

(C) Date of report.

(D) Name of contractor (if applicable).

(E) Author(s).

(3) Abstract. This should provide a brief overview of the project and its results. For small reports, this section may not be necessary.

(4) Introduction. Provides a brief overview of the project, including:

(A) The purpose of report.

(B) If a contractual project, indicate the contractor and purchaser.

(C) The name of federal or state agency with jurisdiction over the project/property.

(D) A description of proposed project or activity which caused the work to be done.

(E) The location of the project, general and specific.

(F) The date(s) when work was accomplished.

(G) the names of all the participants in the project including field crew members.

(5) Environment. This section can be brief for small projects, but for larger projects, the following should be placed in the report:

(A) The physical features of study area; terrain, drainage, etc.

(B) A description of the study area (unless data available in previous study report, in which case the proper reference to the document will suffice).

(i) A discussion of the field conditions, vegetation, etc.

(ii) A discussion of the present land-use patterns.

(iii) A discussion of the past conditions of land.

(C) A discussion of field-work problems (if any) related to the environment (i.e., snow cover, flooding, dense vegetation cover, etc.).

(6) Research Goals. Defines the purpose of the project.

(A) List and describe the sponsor's goals.

(B) List and describe the investigator's goals.

(C) Include the Research Design, if any.

(D) Include the Scope-of-Work, if available, in an appendix.

(7) Methods. The methodology utilized to conduct and complete the project.

(A) Results of the Literature Search (Class I).

(i) List and describe published and/or unpublished sources utilized (tabularize as necessary).

(ii) Indicate methods of analysis.

(iii) Indicate contacts made with informants and professional experts regarding study area (number, names)

(iv) Indicate the date(s) on which the work was performed.

(B) Reconnaissance Inventory (Class II).

(i) Include (7) (A) (i-iv) above, or refer to if in published or manuscript form.

(ii) Describe field work completed; include sampling techniques, etc.

(iii) Describe remote sensing or any other specialized techniques employed.

(iv) Refer to maps, tables, etc., which may be appropriate to explain techniques used.

(v) Indicate the date(s) on which the work was performed.

(C) Intensive Inventory (Class III).

(i) Include (7) (A) (i-iv) (Literature Search) above, or refer to if in published or manuscript form; and, if relevant, (7) (B) (i-v) above, or refer to if in published or manuscript form.

(ii) Describe in detail all field work completed.

(iii) Describe any specialized methods or techniques employed.

(iv) Indicate the date(s) on which the work was performed.

(8) Evaluation of Research.

(A) Discuss reliability of available data.

(B) Identify any changes in stated goals.

(C) Identify and discuss any deficiencies in primary or supportive data.

(D) Relate results of completed work to stated goals.

(9) Inventory of Resources (tabularize as necessary).

(A) Literature Search (Class I).

- (i) Review and summarize the information on cultural history and process, history, architecture, etc., derived from the effort.
- (ii) List and describe known resources.
- (iii) Discuss the relationship of the resources to the environment.
- (iv) Provide the predictive statements on anticipated site density, distribution, and, if applicable, potential significance.

B. Reconnaissance Inventory (Class II).

- (i) Include (9) (A) (i-iii) above, or refer to if in published or manuscript form.
- (ii) Provide updated site information as necessary.
- (iii) List and describe resources identified during field work.
- (iv) Describe and illustrate artifactual materials observed.

C. Intensive Inventory (Class III).

- (i) Include (9) (A) (i-iii) above, or refer to if in published or manuscript form; and, if relevant, (9) (B) (i-iv) above, or refer to if in published or manuscript form.
- (ii) Provide analysis of densities and distributions of identified cultural resources.
- (iii) Describe and illustrate artifactual materials observed.

(10) Evaluation of Resources. Discussion of the contractor's evaluation recommendations of the cultural resources recorded. *Note: The Principal Investigator DOES NOT provide formal evaluations, but rather, only makes evaluation recommendations. This should be made explicitly clear in all reports.*

A. Literature Search (Class I).

- (i) List historic properties within study area known to be eligible for, nominated to, or included on the NRHP or the North Dakota State Historic Sites Registry.
- (ii) List historic properties within study area which have apparent potential for inclusion on registers.

(iii) List historic properties within study area which have no known potential register value.

(iv) Justify each of the above in terms of appropriate criteria.

(v) Provide tentative evaluation of properties predicted in (9)(A)(iv), above.

(B) Field Reconnaissance (Class II).

(i) Include literature search data in (10)(A)(i-v) or refer to if in published or manuscript form.

(ii) Include comparable data for sites identified during field inspection.

C. Intensive Inventory (Class III).

(i) Evaluate all resources within study area

(11) Statement of Impacts. *NOTE: If your report relates to a project which will be reviewed by the HPD, you must include impact data or state that impacts are presently unknown. In those instances where significant or potentially significant resources are identified within the area of a proposed project but impacts are not defined, acceptance of the report, and therefore the start of the sponsor's project, will be delayed until the impacts are defined by the project's sponsor.*

(A) List resources which will be directly impacted.

(i) Describe how affected.

(ii) Describe degree of effect(s).

(B) List resources which will be indirectly impacted.

(i) Describe how affected.

(ii) Describe degree of effect(s).

(C) List resources identified by study which will not be impacted by sponsor's project.

(12) Recommendations. *Note: The Principal Investigator DOES NOT "clear" projects, but rather, only makes recommendations. This should be made explicitly clear in all reports.*



(A) Literature Search (Class I).

(i) Recommend further work necessary (inventory, evaluation, etc.)

(a) Recommend specific documentary sources which will provide necessary data.

(b) Recommend field work as necessary.

(c) Recommend strategies to be utilized in further work undertaken.

(B) Field Reconnaissance (Class II).

(i) Recommend further work necessary (inventory, evaluation, etc.).

(ii) Recommend preliminary choice of project alternatives, if any.

(C) Intensive Inventory (Class III).

(i) Recommend further evaluation work, if necessary.

(ii) Recommend management alternatives (preservation, development, data recovery, mitigation, etc.).

(13) References Cited.

(A) Provide standard bibliographic references for every publication or work cited in the report.

(14) Appropriate Appendices. *Note: For most agencies, this will include NDCRS forms; however, the copy of the report to be forwarded to the SHSND should not have the NDCRS forms included.*

(A) Appropriate tables, charts, graphs, etc.

(B) Maps.

(i) Only U.S.G.S. 7.5 minute topographic quadrangle maps are acceptable. The SHSND will not accept reports with hand-drawn maps or county highway maps. It is acceptable to reduce the 7.5' maps slightly for reports, but such reduction shall be limited to no

more than 20% less than the actual size (i.e., a minimum of 2.1" equals 1 mile).

(ii) Each map should have:

- (a) An identifying number or letter.
- (b) A legend, caption, source of map.
- (c) North arrow.
- (d) Scale.
- (e) Vicinity map and/or clearly marked locators such as section, township and range, etc.

(iii) The following should be clearly indicated in the map section:

- (a) Exact area inventoried and coverage given.
- (b) Location of proposed project and ancillary facilities (if known).
- (c) Cultural resource site locations.
- (d) Vegetation cover, if applicable.
- (e) Location of test pits, coring, etc.
- (f) Any other descriptive features referred to in the report.

(C) Plates.

(i) Photographs or line drawings of appropriate artifacts, features or other materials.

(ii) Photographs of each cultural resource, or category thereof, relevant to the report. In the case of architectural resources, photographs of each resource are required. Guidelines for identification and recording of architectural resources are available from the HPD.

(D) Scope-of-Work (if available).

(E) Research Design (if available).

(F) NDCRS Site Forms. *Note: The copy of the report to be forwarded to the SHSND should not have the NDCRS forms included.*

(i) All positive reports should contain a properly completed site form for each identified cultural resource unless the resource has been previously recorded as a verified site. In instances where previously recorded sites are re-inspected, an up-dated NDCRS site form detailing the site condition, potential impacts and artifacts and features noted, etc., should be included in the report and filed separately with the HPD for inclusion in the master data bank.

(ii) Site data forms used must be either current NDCRS-standardized forms or forms approved by the HPD.

(iii) Site forms must be submitted to the HPD *prior* to use in a report so that the forms can be checked for accuracy.

Reports received for review which include site forms not previously submitted and assigned numbers will be delayed until the forms have been processed. A failure to include any of the above items will result in a rejection of the report for review purposes until the missing data are supplied.

## **7. MISCELLANEOUS**

### **Curation of Artifactual Materials**

North Dakota State Law (NDCC, 55-02-07) states that all historical and archeological artifacts and sites found on any land owned by the State of North Dakota, or its political subdivisions, belong to the State of North Dakota. Artifacts found on federal property are the property of the agency which manages that property (P.L. 59-209: 34 Stat. 225: 16 USC 431-433 the Antiquities Act of 1906, and P.L. 96-95: 74 Stat. 220: 16 USC 469-469A the archeological Resources Protection Act of 1979). Artifacts recovered from private property belong to the landowner (NDCC, 55-03-05 and N.D. Attorney General's Opinion re: 55-03-05 dated 4/18/68).

Arrangements should be made prior to any field investigation to provide adequate permanent curation of recovered specimens, or the return of such specimens to their rightful owner. Such arrangements should be specifically detailed in the text of the report. It is preferred that all artifacts recovered from North Dakota cultural resource sites be permanently stored in North Dakota, rather than an out-of-state location.

The State Historical Society can provide modern, climate-controlled, secure facilities for permanent curation in the North Dakota Heritage Center. The Society, however, is not prepared to curate collections from sites located outside of North Dakota. Copies of a Memorandum of Agreement for curatorial services and assignment of an Accession Number for collections can be obtained by contacting the HPD.

### **Preliminary Reports**

In those situations where field work is undertaken for a project which requires an opinion from the ND SHPO, but production of the final report is delayed or expected to be a lengthy process, preliminary reports may be acceptable. Often a proposed project description and request for an opinion on the project will arrive at the HPD long before the final report, and the submission of a preliminary report often prevents confusion about the status of a project's progress. This report must be submitted through the lead federal agency, or their approved state agency representative.

### **Negative Reports**

Reports of negative findings in field inspection/inventory work, do not need to be as extensive as the format described in Section VI for reports with positive findings. A letter describing the work undertaken, the sponsor's project (and any identifying

numbers), the records and literature search efforts, etc., will suffice. A 7.5' topographic map showing the exact area surveyed is absolutely necessary, and reports without one will be returned. In cases of large-area inventories (i.e., 40 acres or more in size), full-scale reports are required even in the absence of identifiable cultural resources. Check with the lead agency and the HPD if in doubt.

### **Contractor's Reference List**

Due to the large number of requests for information relating to contractors in various areas of cultural resources work, their credentials, qualifications, addresses and availability, the HPD maintains a list of those contractors who have submitted their credentials for review and have been permitted by the state. The list includes an indication of the specific disciplines for which we believe the contractor to be qualified, and the telephone number/address of the contracting company, institution or individual. Copies of this list are provided, upon request, to any interested party who wishes to contract for cultural resources work.

Once on the reference list, additions or changes in the listing can be made by submitting a written request, including adequate documentary materials. The addition or release of permanent or temporary staff should be made known to this office as soon as such action is taken so that our files relating to your company or institution remain current. If work reports generated by your company or institution are received for review by this office, and it is apparent that new personnel have been hired and are performing work without proper credentials on file with this office, your company or institution will be removed from the reference list and a complete new application will be required prior to reinstatement.

If, in cross-checking references, misinformation is detected in an application, the company or institution involved will be removed from the list and requested to explain the misinformation prior to reinstatement. Should this office receive a complaint about performance, ethics or any other serious matter relating to your company or institution's dealing with individuals, companies or agencies using the contractor's reference list, a copy of the complaint will be forwarded to you immediately so that you may respond to it. In the instance of such a complaint, and after receipt of your response, your company or institution will be removed from the reference list only when the complaint is judged to be accurate and the response inadequate. In any case where a company or institution has been removed from the list, re-application can be made upon correction of the identified problem, although repeated complaints may make reinstatement more difficult.

The categories under which individuals, companies or institutions will be listed are:

- (1) Archeology.

(2) Historic Architecture.

(3) History.

While there are certainly areas of cultural resources work other than those presented above, these are the categories for which this office receives the most call. Credentials submitted for areas of expertise other than those listed above will be kept on file, but the listed categories will be limited to those described above. Applicants should indicate which specific categories they are both qualified to deal with and interested in being listed for. Applications should include a specific indication of which individual(s) on the company or institution staff are qualified to act as the PI for the category, and credentials submitted should address those qualifications. If the credentials submitted do not directly address the individual's qualifications for a category indicated, some explanation of the individual's qualifications must be made.

### **Permitting Materials to be Submitted**

**Credentials.** It is essential that all cultural resources inventory, testing/evaluation and mitigation efforts be performed or directly supervised by suitably qualified professional personnel. Further, it is important that the evaluation of a particular cultural resource (i.e., archeological, historical or architectural) be made by a professional who meets the minimum qualifications for that particular discipline. Basic minimum qualifications for professional cultural resources personnel are described in Section 2 of this manual.

It is the position of the ND SHPO that:

- (1) Cultural resource work reports received by this office for review and comment, and which relate to either field surveys or resource evaluations performed by unqualified individuals or by individuals whose professional credentials have not been evaluated by this office will be considered inadequate for purposes of review and comment. Such reports will be recommended for non-acceptance by the responsible state or federal agency.
- (2) As is clearly indicated in our letters requesting updated credentials as a basis for inclusion of the firm on our Contractor's Reference List, reports of work performed by less than qualified personnel or individuals for whom no credentials have been submitted for evaluation are grounds for removal of the contracting firm from the list. Re-entry to the List will necessitate at least clarification of the credentials questioned, and may require a total resubmission of credentials.

**Facilities Description.** Provide a description of the support and operating facilities available to your company or institution. We are particularly interested in the available laboratory space, equipment, support staff, consulting expert arrangements, etc., which you have at your disposal.

**Curation of Artifacts.** Explain what arrangements or facilities your company or institution has for permanent curation of artifacts recovered from North Dakota cultural resource sites. If you have an agreement with another company, agency or institution to provide permanent curatorial services, include a copy of that agreement in your application.

**Permits.** If you, your company or your institution hold any relevant permits, licenses, etc., such as a Federal Antiquities Permit, include a copy of that permit with your application, along with a list of all individuals specifically covered by the permit.

**References.** Provide a list of the names, numbers and report titles of any and all cultural resources work projects undertaken in North Dakota in the last 18 months prior to your application. If no projects were undertaken in North Dakota during the last 18 months, provide a list of major projects undertaken elsewhere during the last 24 months prior to your application. A new company which does not have an impressive back-log of completed project reports will not be penalized for its recent entry into the field.

Upon receipt of credentials submissions, the materials received will be reviewed by appropriate personnel from this office, and your company or institution will be notified as to listing status, further information needed or problems identified with the materials submitted (see Section 1).

## APPENDIX A

### Manuscript Data Record Form



## MANUSCRIPT DATA RECORD FORM

Manuscript Number: [SHPO assigns]

SHPO Reference # : [SHPO assigns]

Author(s) (List all authors names as they appear on the report title page):

Title (Complete title as it appears on the report title page):

Report Date (As it appears on the report title page):

Number of Pages (Including front matter, references cited and appendices):

Type - I= Inventory (Class 3 CRI), T=Test, E=Excavation, O=Other:

Acres - Class 3 inventory only; project description specified only in the report:

Legal Location(s) (no quarter sections) with Historic Context Study Unit(s): Consult township tables in The North Dakota Comprehensive Plan for Historic Preservation: Archeological Component, (SHSND 1990) for Study Unit assignments.

Study Units: LM, CB, KN, HE, SM, GA, JA, GR, NR, SR, SO, SH, YE

COUNTY      TWP    R    SEC            S U